

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN BARNHOUSE,

Plaintiff,

v.

JOHN DOE HERNADES, JOHN DOE  
FURTINO, STEVE RICHMOND, ALL  
JAIL GUARDS, ALL JEFFERSON  
COUNTY SHERIFF'S OFFICERS,

Defendants.

No. C13-5771 BHS/KLS

**REPORT AND RECOMMENDATION**  
**Noted For: December 6, 2013**

This civil rights action has been referred to the undersigned United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. It has been more than sixty days since the Court's mailings to Plaintiff were returned and the Court does not have a current address for the Plaintiff. Therefore, the undersigned recommends that the Court dismiss this action as Plaintiff appears to have abandoned his case.

**DISCUSSION**

On September 3, 2013, Plaintiff filed an application to proceed in forma pauperis (IFP) and proposed civil rights complaint. ECF No. 1. On September 4, 2013, the Clerk advised Plaintiff by letter that his IFP application was deficient because he had failed to provide information relating to his trust account and the application was submitted on behalf of more than one person. ECF No. 2. Plaintiff was given a deadline of October 7, 2013 to correct the deficiencies in his IFP application. *Id.*

1 The Clerk's letter to Plaintiff was returned to the Court as undeliverable, marked  
2 "Released, Return to Sender." ECF No. 3. Plaintiff has not provided his current address to the  
3 Court.

4 Rule 41(b)(2) of the Local Rules provides:

5 A party proceeding pro se shall keep the court and opposing parties advised as to  
6 his current address. If mail directed to a pro se [Plaintiff] by the clerk is returned  
7 by the Post Office, and if such [Plaintiff] fails to notify the court and opposing  
8 parties within 60 days thereafter of his current address, the court may dismiss the  
action without prejudice for failure to prosecute.

9 CR 41, Local Rules W.D. Wash.

### 10 CONCLUSION

11 This action has existed more than sixty days without a current address for the Plaintiff.  
12 Dismissal without prejudice for failure to prosecute is appropriate. Accordingly, the undersigned  
13 recommends **DISMISSAL WITHOUT PREJUDICE** for failure to prosecute pursuant to Local  
14 Rule 41(b)(2).  
15

16 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil  
17 Procedure, the parties shall have fourteen (14) days from service of this Report to file written  
18 objections. *See also* Fed. R.Civ.P. 6. Failure to file objections will result in a waiver of those  
19 objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the  
20 time limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on  
21 **December 6, 2013**, as noted in the caption.  
22

23 **DATED** this 18th day of November, 2013.

24   
25 Karen L. Strombom  
26 United States Magistrate Judge